REMARKS

Claims 1-18 are all the claims pending in the application. By this Amendment, Applicant

editorially amends claims 1-4, 12, and 13. The amendments to claims 1-4, 12, and 13 were made

for reasons of precision of language and consistency, and do not narrow the literal scope of the

claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. In

addition, Applicant adds claims 14-18, which are clearly supported throughout the specification.

I.   Preliminary Matters

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority.

The Examiner, however, failed to acknowledge receipt of the certified copy of the priority

document submitted on November 13, 2003. Accordingly, Applicant respectfully requests that

the Examiner acknowledge receipt of the certified copy of the priority document.

Applicant thanks the Examiner for returning the initialed form PTO/SB/08 submitted

with the Information Disclosure Statement filed on November 13, 2003.

Applicant respectfully requests that the Examiner indicate acceptance of the drawing

figures filed on November 13, 2003.

II.   Summary of the Office Action

Claims 12 and 13 are rejected under 35 U.S.C. § 101 and claims 1-13 are rejected under

35 U.S.C. § 102.

III.   Claim Rejections under 35 U.S.C. § 101

Claims 12 and 13 are rejected under 35 U.S.C. § 101 as being allegedly directed to a non-

statutory subject matter. Applicant has revised the claims, and respectfully submits that the

claims as now presented are directed to a statutory subject matter *i.e.*, a computer readable

medium. Applicant therefore respectfully requests the Examiner to withdraw this rejection to the claims 12 and 13.

IV.   Prior Art Rejections

Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Publication No. WO 99/65183 to Briscoe (hereinafter "Briscoe"). Applicant respectfully traverses these grounds of rejection in view of the following comments.

Independent claim 1 *inter alia* recites: "wherein the mobile telecommunication device is configured to process multiple accounts and providing the service choice, and wherein the processing comprises: for each account, retrieving accounting information, for each account, analyzing service and tariff constraints based on recorded user behavior and the retrieved accounting information, and deriving a recommended service and account selection based on said analyzing of the multiple accounts with respect to optimization criteria."

When having or managing multiple accounts on current mobiles, it is required exchanging the SIM card choice for changing the account when invoking a service. In addition, the current developments in the telecommunication market are very complex. There are a bunch of offers like pre-paid cards, location-dependent and time dependent accounting, volume dependent accounting and so on. With these high number of multiple accounts, it is becoming more difficult for the user to determine which account to use in which circumstance *i.e.* to determine which service to user based on user behavior and provider information. In an exemplary, non-limiting embodiment, however, the use of multiple accounts, SIM-cards, providers, and offers within one mobile is made easy and convenient. Specifically, the mobile device processes multiple accounts by analyzing the service and tariff based on recorded user behavior and retrieved information of the corresponding account. It will be appreciated that the

foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

Briscoe, on the other hand, relates to a communications network, which may be a federated network such as the Internet, in which a tariff is distributed via the network to customer terminals. At each terminal, a charge for use of the network is calculated by using the tariff. Different tariffs may be communicated for different services and a respective tariff may be varied depending upon the operational condition of the service. Different tariffs may be calculated for different customers and the tariffs may be varied in dependence upon the loading of network resources and different tariffs may have different volatilities. In Briscoe, part of the traffic from a user to the network may be sampled and the status of the user may be amended when a discrepancy is detected between the sampled parameters and the contracted parameters in the user's contract (*see* Abstract and page 4, lines 18 to 33).

Briscoe discloses measuring the customer's traffic for a certain period of time. Based on traffic levels and the business rules from the network provider's business, and pricing from neighboring providers, the price is set. The policing function compares sample measurements with accounting messages. If it establishes that the accounts are insufficient it might restrict service at the access control gateway or initiate some other punishment (page 17, line 16 to page 18, line 20).

Biscoe, however, does not disclose or even remotely suggest a subscriber having <u>multiple accounts</u>. In Biscoe, it is disclosed that the user selects required quality level and the tariff of different service providers are provided to the user so that the user may switch to another service provider (*see* page 22, lines 8 to 29). However, Biscoe does not disclose or suggest having

multiple accounts and that <u>the device suggests a selection to the user</u> by analyzing each account

based on the user behavior and accounting information. On the contrary, in Biscoe, the tariffs

for each service provider is <u>provided to the user</u> so that <u>the user and not the device</u> analyzes each

service offered by a service provider based on the price. In short, Biscoe fails to disclose or

suggest <u>analyzing various accounts of a user based on user behavior and accounting information</u>

of the respective account and <u>recommending</u> one of the accounts to the user based on the

analysis.

      Therefore, "wherein the mobile telecommunication device is configured to process

multiple accounts and providing the service choice, and wherein the processing comprises: for

each account, retrieving accounting information, for each account, analyzing service and tariff

constraints based on recorded user behavior and the retrieved accounting information, and

deriving a recommended service and account selection based on said analyzing of the multiple

accounts with respect to optimization criteria," as set forth in claim 1 is not disclosed by Briscoe,

which lacks a) the user having multiple accounts, b) the mobile device analyzing each of the

accounts based on user behavior and tariffs and other accounting information of the respective

account, and c) recommending an account to use based on the analysis. For at least these

exemplary reasons, claim 1 is patentably distinguishable from Briscoe. Accordingly, Applicant

respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims

2 and 3.

      Next, independent claims 4, 10, and 12 recite features similar to, although not necessarily

coextensive with, the features argued above with respect to claim 1. Therefore, arguments

presented with respect to claim 1 are respectfully submitted to apply with equal force here. For

at least substantially analogous exemplary reasons, therefore, independent claims 4, 10, and 12

are patentably distinguishable from Briscoe. Accordingly, Applicant respectfully requests the

Examiner to withdraw this rejection of claims 4, 10, and 12 and their dependent claims 5-9, 11,

and 13.

V.   New Claims

In order to provide more varied protection, Applicant adds claims 14-18, which are

patentable by virtue of their dependency and for additional features set forth therein.

VI.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

                                             Respectfully submitted,

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